

Introduced by Senator Berryhill

February 24, 2012

An act to amend Section 241 of the Penal Code, relating to assault.

LEGISLATIVE COUNSEL'S DIGEST

SB 1443, as introduced, Berryhill. Assault.

Under existing law, an assault is generally punishable by a fine not exceeding \$1,000, by imprisonment in a county jail not exceeding six months, or by both the fine and imprisonment. An assault committed against a parking control officer, engaged in the performance of his or her duties, is punishable by a fine not exceeding \$2,000, by imprisonment in county jail not exceeding 6 months, or both the fine and imprisonment. An assault committed against certain other individuals, including peace officers, firefighters, emergency medical technicians, and mobile intensive care paramedics, who are engaged in the performance of their duties, is punishable by a fine not exceeding \$2,000, by imprisonment in a county jail not exceeding one year, or both the fine and imprisonment.

This bill would make technical, nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 241 of the Penal Code is amended to
- 2 read:
- 3 241. (a) An assault is punishable by a fine not exceeding one
- 4 thousand dollars (\$1,000), or by imprisonment in the county jail

1 not exceeding six months, or by both—~~the~~ *that* fine and
2 imprisonment.

3 (b) When an assault is committed against the person of a parking
4 control officer engaged in the performance of his or her duties,
5 and the person committing the offense knows or reasonably should
6 know that the victim is a parking control officer, the assault is
7 punishable by a fine not exceeding two thousand dollars (\$2,000),
8 or by imprisonment in the county jail not exceeding six months,
9 or by both the fine and imprisonment.

10 (c) When an assault is committed against the person of a peace
11 officer, firefighter, emergency medical technician, mobile intensive
12 care paramedic, lifeguard, process server, traffic officer, code
13 enforcement officer, animal control officer, or search and rescue
14 member engaged in the performance of his or her duties, or a
15 physician or nurse engaged in rendering emergency medical care
16 outside a hospital, clinic, or other health care facility, and the
17 person committing the offense knows or reasonably should know
18 that the victim is a peace officer, firefighter, emergency medical
19 technician, mobile intensive care paramedic, lifeguard, process
20 server, traffic officer, code enforcement officer, animal control
21 officer, or search and rescue member engaged in the performance
22 of his or her duties, or a physician or nurse engaged in rendering
23 emergency medical care, the assault is punishable by a fine not
24 exceeding two thousand dollars (\$2,000), or by imprisonment in
25 a county jail not exceeding one year, or by both—~~the~~ *that* fine and
26 imprisonment.

27 (d) As used in this section, the following definitions apply:

28 (1) Peace officer means any person defined in Chapter 4.5
29 (commencing with Section 830) of Title 3 of Part 2.

30 (2) “Emergency medical technician” means a person possessing
31 a valid course completion certificate from a program approved by
32 the State Department of Health Care Services for the medical
33 training and education of ambulance personnel, and who meets
34 the standards of Division 2.5 (commencing with Section 1797) of
35 the Health and Safety Code.

36 (3) “Mobile intensive care paramedic” ~~refers to those persons~~
37 *means any person who—meet meets* the standards set forth in
38 Division 2.5 (commencing with Section 1797) of the Health and
39 Safety Code.

1 (4) “Nurse” means a person who meets the standards of Division
2 2.5 (commencing with Section 1797) of the Health and Safety
3 Code.

4 (5) “Lifeguard” means a person who is *both of the following*:

5 (A) Employed as a lifeguard by the state, a county, or a city,
6 and is designated by local ordinance as a public officer who has a
7 duty and responsibility to enforce local ordinances and
8 misdemeanors through the issuance of citations.

9 (B) Wearing distinctive clothing which includes written
10 identification of the person’s status as a lifeguard and which clearly
11 identifies the employing organization.

12 (6) “Process server” means any person who meets the standards
13 or is expressly exempt from the standards set forth in Section 22350
14 of the Business and Professions Code.

15 (7) “Traffic officer” means any person employed by a county
16 or city to monitor and enforce state laws and local ordinances
17 relating to parking and the operation of vehicles.

18 (8) “Animal control officer” means any person employed by a
19 county or city for purposes of enforcing animal control laws or
20 regulations.

21 (9) (A) “Code enforcement officer” means any person who is
22 not described in Chapter 4.5 (commencing with Section 830) of
23 Title 3 of Part 2 and who is employed by any governmental
24 subdivision, public or quasi-public corporation, public agency,
25 public service corporation, any town, city, county, or municipal
26 corporation, whether incorporated or chartered, that has
27 enforcement authority for health, safety, and welfare requirements,
28 and whose duties include enforcement of any statute, rules,
29 regulations, or standards, and who is authorized to issue citations,
30 or file formal complaints.

31 (B) “Code enforcement officer” also includes any person who
32 is employed by the Department of Housing and Community
33 Development who has enforcement authority for health, safety,
34 and welfare requirements pursuant to the Employee Housing Act
35 (Part 1 (commencing with Section 17000) of Division 13 of the
36 Health and Safety Code); the State Housing Law (Part 1.5
37 (commencing with Section 17910) of Division 13 of the Health
38 and Safety Code); the Manufactured Housing Act of 1980 (Part 2
39 (commencing with Section 18000) of Division 13 of the Health
40 and Safety Code); the Mobilehome Parks Act (Part 2.1

1 (commencing with Section 18200) of Division 13 of the Health
2 and Safety Code); and the Special Occupancy Parks Act (Part 2.3
3 (commencing with Section 18860) of Division 13 of the Health
4 and Safety Code).

5 (10) “Parking control officer” means any person employed by
6 a city, county, or city and county, to monitor and enforce state
7 laws and local ordinances relating to parking.

8 (11) “Search and rescue member” means any person who is part
9 of an organized search and rescue team managed by a governmental
10 agency.

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